

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
NOVEMBER 23, 2009  
7:00 P.M.**

Present: Mayor Anthony G. Chavonne  
Council Members Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3);  
Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A.  
Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)  
Absent: Council Members Keith Bates, Sr. (District 1)  
Others Present: Dale E. Iman, City Manager  
Doug Hewett, Assistant City Manager  
Kristoff Bauer, Assistant City Manager  
Karen M. McDonald, City Attorney  
Lisa Smith, Chief Financial Officer  
Craig Harmon, Planner II  
Jackie Tuckey, Communications Manager/Public Information Officer  
Michele Thompson, Cherry, Bekaert and Holland  
Rita Perry, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Mayor Chavonne called the meeting to order at 7:00 p.m.

**2.0 INVOCATION**

The invocation was offered by Superintendent Larry Bellamy, Sr., Pastor and Founder of Rhema Ministries.

**3.0 PLEDGE OF ALLEGIANCE**

Following the invocation, the audience was led in the Pledge of Allegiance to the American Flag.

**4.0 APPROVAL OF AGENDA**

**MOTION: Mayor Chavonne moved to approve the agenda with the addition of the minutes for the November 9, 2009, dinner and discussion meeting and regular meeting to Item 6.1 and revised information to be substituted with the information under Consent Item 6.17.**

**SECOND: Council Member Mohn**

**VOTE: UNANIMOUS (9-0)**

**5.0 ANNOUNCEMENTS AND RECOGNITIONS**

Outgoing Council Member Charles Evans was recognized for his accomplishments and years of dedicated service. A City of Fayetteville Ceremonial Coin and a Key to the City were presented to Council Member Evans. Comments followed.

Mayor Chavonne announced that beginning today, November 23, 2009, the PWC Customer Service Center moved from Hay Street to the PWC Operations Complex at the intersection of Eastern Boulevard and Old Wilmington Road (**955 Old Wilmington Road**). He stated the hours of operation would remain the same from 8:30 a.m. to 5:30 p.m.

Mayor Chavonne and Council Members Evans and Massey, on behalf of the City Council and City of Fayetteville, presented a proclamation congratulating the Fayetteville State University Football Team for winning the 2009 CIAA Champion and Mr. Kenny Phillips for being named 2009 CIAA Coach of the Year. Comments followed.

**6.0 CONSENT**

Council Member Mohn requested to pull Item 6.17 for discussion. Council Member Applewhite requested to pull Item 6.21 for discussion.

**MOTION: Mayor Pro Tem Meredith moved to approve the consent agenda with the exception of Items 6.17 and 6.21.**

**SECOND: Council Member Crisp**

VOTE: UNANIMOUS (9-0)

6.1 Approve Minutes:

- City Council work session meeting held on October 5, 2009.
- City Council regular meeting held on October 12, 2009.
- City Council work session meeting held on November 2, 2009.
- Appointment Committee meeting held on November 4, 2009.
- Dinner and Discussion meeting held on November 9, 2009.
- City Council regular meeting held on November 9, 2009.

6.2 City Manager - Statement of support for the National Guard and Reserves.

This statement expressed the City’s full support of the employees who are called to active duty as part of the National Guard and Reserves and the City’s compliance with the Uniformed Services Employment and Reemployment Right Act (USERRA), Title 38 of USC 43.

6.3 City Attorney/Real Estate Division - Adopt a resolution declaring real property owned jointly with Cumberland County surplus and authorizing a quitclaim of the City's title to the County in order to expedite sale of the land by Cumberland County.

This resolution declared the property surplus and authorized the City Manager to sign a quitclaim deed conveying the City's interest to the County in exchange for the City's share of overdue property taxes and assessments.

RESOLUTION DECLARING PROPERTY EXCESS TO CITY’S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2009-078.

6.4 City Clerk - Accept the certification of results from the Cumberland County Board of Elections for the November 3, 2009, municipal election.

CUMBERLAND COUNTY, NORTH CAROLINA  
MUNICIPAL ELECTION  
NOVEMBER 3, 2009

FAYETTEVILLE MAYOR	VOTES
Tony Chavonne	7,030
Bob White	3,466
Write-In	71
FAYETTEVILLE CITY COUNCIL DISTRICT 1	VOTES
Keith A. Bates	552
Write-In	17
FAYETTEVILLE CITY COUNCIL DISTRICT 2	VOTES
Kady Ann Davy	1,161
Charles E. Evans	941
Write-In	8
FAYETTEVILLE CITY COUNCIL DISTRICT 3	VOTES
George Boggs	574
Robert A. Massey, Jr.	745
Write-In	5
FAYETTEVILLE CITY COUNCIL DISTRICT 4	VOTES
D. J. Haire	824
Ron Harrison	431
Write-In	4
FAYETTEVILLE CITY COUNCIL DISTRICT 5	VOTES
Bobby Hurst	1,654
Write-In	8
FAYETTEVILLE CITY COUNCIL DISTRICT 6	VOTES

Bill Crisp	770
Wade Fowler	474
Write-In	2
<b>FAYETTEVILLE CITY COUNCIL DISTRICT 7</b>	<b>VOTES</b>
Valencia Applewhite	466
Write-In	36
<b>FAYETTEVILLE CITY COUNCIL DISTRICT 8</b>	<b>VOTES</b>
Theodore Mohn	345
Write-In	10
<b>FAYETTEVILLE CITY COUNCIL DISTRICT 9</b>	<b>VOTES</b>
Wesley A. Meredith	861
Write-In	64

The Cumberland County Board of Elections having opened, canvassed and judicially determined the original returns of the election in the precincts in this county, held on November 3, 2009, certify that the attached Official Municipal Results contains the number of legal ballots cast in each precinct for each office named, the name of each person voted for and the number of votes cast for each person for the office named.

**6.5 Finance - Capital Project Ordinance Closeout 2010-1 (FY 2007 Annual Street Resurfacing Contract).**

**6.6 Finance - Capital Project Ordinance Closeout 2010-2 (Gillespie Streetscape Project).**

**6.7 Finance - Capital Project Ordinance Partial Closeout 2010-3 (Sidewalks and Related Improvements).**

**6.8 Finance - Capital Project Ordinance Closeout 2010-4 (Festival Park/Complementary Projects).**

**6.9 Finance - Budget Ordinance Amendment 2010-4 (General Fund and Risk Management Fund).**

This budget ordinance amendment reclassified \$42,426,282.00 of budgeted sales tax and utility franchise tax distributions from Other Taxes to Intergovernmental Revenues to be consistent with presentation revisions in the Comprehensive Annual Financial Report. The amendment reduced projected beer and wine tax distributions from the State by \$661,403.00, consistent with budget actions taken by the State legislature after adoption of the City budget. The loss in revenue was offset by a General Fund balance appropriation of \$638,988.00 and a \$22,415.00 reduction in projected reimbursements to Spring Lake related to the Fort Bragg annexation. The amendment also appropriated a \$10,000.00 grant from the Arts Council to fund expanded cultural arts programs in the recreation centers. In addition, the amendment appropriated \$300,000.00 from the Risk Management Fund balance to fund claim settlement payments during fiscal year 2009-2010.

**6.10 Finance - Capital Project Ordinance Closeout 2010-5 (Westover Recreation Center and Festival Park Projects).**

**6.11 Finance - Special Revenue Fund Project Ordinance 2010-12 (FY 2010 Operation Ceasefire Program).**

This ordinance established the budget for the Operation Ceasefire Program for fiscal year 2010. This program would be funded by an \$18,580.00 grant awarded by the NC Department of Crime Control and Public Safety, Division of the Governor's Crime Commission. The grant would fund supplies and other operating costs of the program.

**6.12 Finance - Special Revenue Fund Project Ordinance 2010-13 (Energy Efficiency and Conservation Block Grant - Phase I).**

This ordinance appropriated \$100,000.00 to cover Phase I of the Energy Efficiency and Conservation Strategy Program.

**6.13 Finance - Capital Project Ordinance 2010-14 (Skye Drive Drainage Improvement Project).**

This ordinance established a \$679,640.00 budget for the Skye Drive Drainage Improvement Project.

**6.14 Finance - Capital Project Ordinance Amendment 2010-19 (Ramsey Street Transportation Improvement Project).**

This amendment appropriated an additional \$200,000.00 for the Ramsey Street Transportation Improvement Project.

**6.15 Finance - Capital Project Ordinance Amendment 2010-20 (CPO 2010-2 Computer Replacement Project).**

This ordinance amendment appropriated an additional \$31,500.00 for the Computer Replacement Project.

**6.16 Finance - Integrated Cashiering and Payment Management System - Phase 2.**

**6.17 Pulled for discussion by Council Member Mohn.**

**6.18 Finance - Tax refunds of greater than \$100.00.**

**NameYearBasisCity Refund**

**Lassiter, Regina T/A**

<b>New Beginning Academy</b>	<b>2008</b>	<b>Exempt Per Sec. 501.C</b>	<b>\$259.89</b>
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**Smith Agri Supply, c/o**

<b>Nancy Smith</b>	<b>2004-2008</b>	<b>Corrected Assessment</b>	<b><u>607.59</u></b>
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<b>TOTAL</b>			<b><u>\$867.48</u></b>
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**6.19 Planning - Sign Permit: "Feed My Sheep Thanksgiving Dinner".**

This was a sign permit requested by Pastor Walker for up to 20 signs along Skibo Road announcing a free Thanksgiving Dinner at Alger B. Wilkins School, 1429 Skibo Road.

**6.20 Planning - Case No. P09-33F: Consider the rezoning from R10 Residential District to the zoning classification of C1 instead of the original request for C3 Commercial District for property located at 1512 Hope Mills Road. Containing 1.07 acres more or less and being the property of Charles and Ida Donaldson. [The C1 zoning was acceptable to the applicant and recommended by the Zoning Commission.]**

**6.21 Pulled for discussion by Council Member Applewhite.**

**6.22 PWC - Bid Recommendation - Underground primary power cable.**

The Public Works Commission, during their meeting on November 11, 2009, approved to award bid for purchase of 200,000 feet of 1/0,ALCN, EPR, 25kV, 1/C underground primary power cable, PWC Stock No. 1-065-510 (with the option to purchase additional quantities within a one-year period) to HD Supply Utilities, Wake Forest, NC, lowest evaluated bidder, for the total purchase price of \$340,974.00 and forward to City Council for approval.

Bids were received October 27, 2009, as follows:

		Evaluated
	Total	Cost Per
<u>Purchase Price1,000 Feet</u>		
HD Supply Utilities (Wake Forest, NC)	\$340,974.00	\$2,978.00
Stuart C. Irby (Rocky Mount, NC)	\$352,200.00	\$3,051.00
Shealy Electrical (Greenville, SC)	\$355,800.00	\$3,080.00
WESCO (Raleigh, NC)	\$378,800.00	\$3,242.00

**6.17 Finance - Resolution designating a recovery zone for the purpose of the American Recovery and Reinvestment Act.**

Council Member Mohn pulled this item for discussion.

Mr. Dale Iman, City Manager, summarized this item. He stated the resolution designated a recovery zone to preserve the City's flexibility to issue certain types of economic development bonds authorized by the American Recovery and Reinvestment Act. He briefed Council on the qualifying factors and benefits of the recovery zone expansion.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DESIGNATING A RECOVERY ZONE. RESOLUTION NO. R2009-079.**

**MOTION:** Council Member Massey moved to approve the resolution designating a recovery zone.

**SECOND:** Council Member Hurst

**VOTE:** UNANIMOUS (9-0)

**6.21 Planning - Case No. P09-35F: The rezoning from C1P Commercial District to R5/CZ Residential Conditional Zoning District for an apartment complex on property located at 5951 Cliffdale Road. Containing 11.21 acres more or less and being the property of Tart and Tart, Inc.**

Council Member Applewhite pulled this item for discussion.

Mr. Craig Harmon, Planner II, approached the podium to address Council concerns.

**MOTION:** Council Member Applewhite moved to set a public hearing on January 25, 2010.

**SECOND:** Council Member Evans

Questions were raised regarding the impact the proposed turning lane on Skibo Road would have on Dunn Nursery and the benefits as it pertains to the alleviation of traffic problems. Mr. Harmon stated the NC Department of Transportation would advise staff regarding these issues. Council Member Haire conveyed Council Member Bates' inquiry regarding a transit stop. Mr. Harmon stated from his observation the subject property's frontage on Cliffdale Road would not accommodate a bus stop.

Mayor Chavonne requested a date for the public hearing. Mr. Iman stated January 25, 2010, would be the most probable date in compliance with General Statute notification requirements, which Mr. Harmon explained.

Council Member Crisp requested a definitive response regarding the possibility of a transit stop be presented at the public hearing.

**VOTE:** UNANIMOUS (9-0)

**ADDITIONAL RECOGNITION:**

Mayor Chavonne recognized NC Representative Rick Glazier who presented an Order of the Long Leaf Pine Award, North Carolina's highest civilian honor, to Fire Chief Benjamin Nichols.

**7.0 PUBLIC HEARINGS**

**7.1 Planning - Case No. P09-34F: The rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification for property located at 107 Woodside Avenue. Containing 0.25 acres more or less and being the property of Christopher Ketchman/Mason Ketchman Investments. This case is an appeal of a Zoning Commission denial.**

Mr. Craig Harmon, Planner II, presented this item and showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the case was an appeal of a Zoning Commission decision denying rezoning to P2 based on the incompatibility with the existing neighborhood. He stated the applicant was advised that a Special Use Permit in the R5 District was an alternative; however, the applicant's preference was to be rezoned P2 in order to have the option to expand in the future.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:39 p.m.

Mrs. Alida Thomas, 606 East Prospect Avenue, Raeford, NC 28376, appeared in favor and provided history of the property and the reason for the rezoning request.

Mrs. Christopher Ketchman, 3000 Muirfield Avenue, Fayetteville, NC 28306, appeared in favor.

Mr. John Duvall, 740 Victorian Place, Fayetteville, NC 28301, appeared in opposition and presented a petition to Council. He expressed concerns of an influx of P2 rezoning if this rezoning was approved.

Mrs. Carol McFayden, 740 Victorian Place, Fayetteville, NC 28301, appeared in opposition and presented a powerpoint illustrating the neighborhood's appearance. She requested preservation of the neighborhood's residential status.

Mrs. Carrie Carrol, 205 Woodside Avenue, Fayetteville, NC 28301, appeared in opposition and requested Council to vote against the rezoning.

There being no one further to speak, the public hearing closed at 7:52 p.m.

Council Member Mohn summarized the content of the October 13, 2009, Zoning Commission minutes regarding the possibility of future structures and the applicant's acceptance to preserve the parking lot.

Mr. Harmon stated the P2 zoning would allow for additional structures without size limitation and a vegetation buffer would be required. He stated the preservation of the parking lot could be obtained in either a Conditional Use or by a Special Use Permit.

Council Member Applewhite inquired how many parking spaces would be allowed. Mr. Harmon responded there were no defined spaces; however, there was property available for future increase in parking.

Council Member Applewhite inquired of Mr. Christopher Ketchman, applicant, as to where the clients were presently parking. Mr. Ketchman responded in the available lot. He stated the volume of parking necessity increased during scheduled psychiatrist sessions. Council Member Applewhite requested the number of parking spaces needed. Mr. Ketchman stated the lot accommodates six.

Council Member Evans questioned Mr. Ketchman regarding the possibility of building in the future. Mr. Ketchman stated there were no definitive plans to build.

Council Member Crisp questioned Mr. Ketchman regarding his opposition of a Conditional Use or Special Use Permit and the need for additional and the necessity of additional lots. Mr. Ketchman stated he had not recalled being in opposition and was under the impression it was either P2 or nothing and addressed the need for overflow parking.

**MOTION: Council Member Evans moved to deny rezoning to P2.**

**SECOND: Council Member Crisp**

Council Member Mohn affirmed the need to address overflow parking and inquired of Ms. Karen McDonald, City Attorney, if an option could be to send the case back for the applicant to apply for a Conditional Use for the purpose of a parking lot. Mrs. McDonald responded in the affirmative and stated a substitute motion would be required or Council Members Evans and Crisp could amend the original motion accordingly.

**SUBSTITUTE MOTION:**

**Council Member Mohn moved to refer back to Zoning Commission to allow the applicant to apply for Conditional Use or a Special Use Permit.**

**SECOND: Council Member Haire**

Discussion ensued.

**SUBSTITUTE MOTION VOTE:**

**PASSED by a vote of 7 in favor to 2 in opposition (Council Members Evans and Crisp)**

**7.2 Planning - Case No. P09-27F: The rezoning from R10 Residential District to R6 Residential District for property located west of All American Expressway and north of the intersection with Santa Fe Drive. Containing 84.82 acres more or less and being the property of John Koenig and wife, Margarete.**

Mr. Craig Harmon, Planner II, presented this item and showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He explained this case had initially been a consent item which had been pulled and set for a public hearing.

Mayor Chavonne requested clarification on the Floodway and One Hundred Year Flood Plain which Mr. Harmon provided.

Council Member Haire questioned whether a bridge could be built over Southwick Drive. Mr. Harmon responded in the affirmative.

Council Member Hurst inquired as to the buffer width across the Floodway and Flood Plain on Southwick Drive. Mr. Harmon guesstimated at least 100 feet.

Mayor Pro Tem Meredith asked whether Southwick Drive was accessible from the subject property. Mr. Harmon responded in the negative.

Council Member Mohn inquired whether the Corp of Engineer's National Wetland requirements would apply. Mr. Harmon responded in the affirmative.

Mr. Harmon reviewed the valid protest petition regulations and requirements, which would require eight votes in favor for rezoning. He summarized staff recommendation to Council.

Council Member Haire inquired how many single-family dwelling structures were currently permitted to be constructed on the property. Mr. Harmon responded the City does not distinguish between single-family or multi-family. He stated the property currently zoned R10 had the possibility of approximately 380 single- or multi-family units.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:18 p.m.

Mr. Phil Flynn, 619 Northampton Road, Fayetteville, NC 28303, appeared in favor and summarized the history of the present wetland.

Mr. John Koenig, 1763 Wilmington Highway, Fayetteville, NC 28306, appeared in favor and addressed the wetlands and dams and briefed Council on the proposed plans.

Mr. Raynard Esquilin, 517 Southwick Drive, Fayetteville, NC 28303, appeared in opposition and expressed concerns with traffic and the possible adverse affects on the wildlife and wetlands.

Mr. Richard Black, 505 Heathcliff Court, Fayetteville, NC 28303, appeared in opposition and expressed concerns with traffic.

Mr. Randol Wilkie, 428 Hallmark Road, NC 28303, appeared in opposition and expressed concerns regarding the proposed road on Santa Fe Drive.

Mr. Floyd Johnson, Sr., 448 Hallmark Road, NC 28303, appeared in opposition and expressed concerns regarding drainage and the wetlands.

There being no one further to speak, the public hearing closed at 8:35 p.m.

Council Member Mohn compared the proposed Santa Fe Drive intersection of the subject project to the existing intersection on the East side of Santa Fe Drive and inquired whether a stoplight or turning lane would be a possibility. Mr. Harmon responded that even though the distances were similar, the traffic patterns were an issue as to limited access.

**MOTION: Council Member Haire moved to deny the rezoning to R6 Residential District.**

**SECOND: Council Member Mohn**

**VOTE: PASSED by a vote of 5 in favor (Council Members Evans, Crisp, Haire, Massey, and Mohn) to 4 in opposition (Council Members Chavonne, Applewhite, Hurst, and Meredith)**

**7.3 Planning - Case No. P09-36F: The rezoning from R6 Residential District to R5/CZ Residential Conditional Zoning District for town homes on properties located at 108, 110, 202, and 204 Pinecrest Drive. Containing 0.7 acres more or less and being the property of Thomas L. Bradford, dba Pear Tree Properties, LLC, and Island Time Pizza, LLC.**

Mr. Craig Harmon, Planner II, presented this item and showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning and 2010 Land Use Plan. He clarified that under the 2030 Growth Vision Plan, Policy 8.8 states existing neighborhood should be protected by encroachment by incompatible land uses and Policy 8.9 states new infill should be architectural compatible with existing structures, landscape features, and streetscape within the vicinity. Mr. Harmon reviewed the proposed site plan and explained Planning staff recommended denial of the request based on the 2010 Land Use Plan and surrounding zoning and the Zoning Commission recommended approval of the R5/Conditional zoning as requested by the applicant. He briefed Council on the new conditions of limiting the number of units to eight and the applicant being conditioned to the proposed site plan.

Mayor Pro Tem Meredith inquired whether this was a zero lot line. Mr. Harmon responded in the affirmative.

Council Member Hurst inquired on the architectural compatibility with existing structures. Mr. Harmon responded no architectural requirements were conditioned.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:45 p.m.

Mrs. Lori Epler, Larry King & Associates, deferred to Mr. Thomas Bradford.

Mr. Thomas Bradford, 460 Willow Bend Lane, Fayetteville, NC 28303, appeared in favor and requested to continue the public hearing in January to address the opposition's concerns.

Mayor Chavonne requested the protocol in regards to Mr. Bradford's request.

Ms. Karen McDonald, City Attorney, advised to continue the public hearing allowing all speakers the opportunity to address Council, close the public hearing, and thereafter make a determination on how to proceed.

Mr. W. M. Ward, 2201 Morganton Road, Fayetteville, NC 28303, appeared in opposition and expressed concerns regarding the proposed structure and its compatibility with the existing structures and presented photographs to Council.

There being no one further to speak, the public hearing closed at 8:50 p.m.

Council Member Mohn inquired whether it was required to close or continue the public hearing. Ms. McDonald conceivably agreed that this public hearing was considered closed. She advised to continue the public hearing should it be Mr. Bradford's intent to go back to staff to make revisions to the request.

Mayor Chavonne rescinded the statement closing the public hearing.

**MOTION: Council Member Mohn moved to continue the public hearing to January 25, 2010.**

**SECOND: Council Member Hurst**

**VOTE: UNANIMOUS (9-0)**

**7.4 Planning - Case No. P09-37F: Consideration of an application by Lance King for a Special Use Permit to allow for business parking (parking lot) in an R6 Residential District for property located at 2609 Pecan Drive and 409 and 411 McPherson Avenue. Containing 0.65 acres more or less and being the property of Allison Properties, Inc.**

Mr. Craig Harmon, Planner II, presented this item and showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, 2010 Land Use Plan, 2030 Growth Vision Plan and site plan. He explained the applicant's intent to redevelop the property. He stated the Zoning Commission recommended approval of the Special Use Permit with the conditions that the buffering be increased between the parking areas and existing residential areas, the lighting in the parking areas be designed to minimum light trespass into the adjacent properties, and all driveway cuts and entrance ways be approved by the City's Traffic Engineer.

Council Member Hurst inquired what type of lighting was being proposed in the parking lot. Mr. Harmon responded the lighting was conditioned to be designed to focus the light on the parking lot and not be intrusive to the residential properties.

Council Member Applewhite inquired as to the amount of increase in the buffering. Mr. Harmon responded a six foot high fence was required and any additional conditions could be determined.

Mayor Chavonne requested staff recommendations regarding "an increase in buffering". Mr. Harmon provided the following options: (1) increase the distance, (2) increase the height, and (3) vegetation requirement.

Mr. Iman, City Manager, requested clarification of the Zoning Commission's goals in relations to the buffering condition. Mr. Harmon clarified to screen the surrounding properties to minimize the light and noise trespass.

Mr. Iman suggested Council consider a condition which would provide for buffers sufficient to meet the goals of screening the property from view as intended by the Zoning Commission. He stated the Inspection Department could make that determination.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:06 p.m. The speakers were sworn in.



Mr. Lance King, 255 Blueridge Road, Fayetteville, NC 28303, appeared in favor and requested clarification of the buffering conditions.

Mrs. Jacquelyn Allison, 501 Rush Road, Fayetteville, NC 28305, appeared in favor and stated the purpose of the development was to expand office space.

There being no one further to speak, the public hearing closed at 9:10 p.m.

Council Member Applewhite asked Mr. King what the proposed use of the lone lot would be. Mr. King responded an access drive and possibly parking in the future and if so, the required buffers and/or screening would be erupted. He stated parking was not present due to the impervious area and it being in the watershed.

Council Member Crisp inquired as to the run off from the two lots. Mr. King responded it would be into the streets. He stated once developed the run off would go through a storm water system which would be treated for quantity and quality measures as outlined by the City of Fayetteville’s Storm Water Department.

Ms. Karen McDonald, City Attorney, addressed the buffering guidance and stated Council should be specific in regards to the buffering requirements. She stated options would be to table this item and send it back to the Zoning Commission or Council could make the buffering determinations.

Mr. Rob Anderson, Development Services Director, stated when asked to increase the standard it entails increasing the vegetative requirements. He stated staff could look at the site line and view quarters, then come back with other components.

Mayor Chavonne inquired why this process had not already been completed and stated it was unfair to the developer.

**MOTION: Council Member Hurst moved to approve the Special Use Permit for parking with conditions as outlined and the additional condition to increase the buffer requirements (fencing and vegetation) to six feet in height and six feet apart.**

**SECOND: Council Member Mohn**

**VOTE: UNANIMOUS (9-0)**

**8.0 OTHER ITEMS OF BUSINESS**

**8.1 Finance - Presentation of the Audited FY 2008-2009 Comprehensive Annual Financial Report.**

Mrs. Michele Thompson, Cherry, Bekaert and Holland, presented an overview of the Audited FY 2008-2009 Comprehensive Annual Financial Report detailing the expenditures, transfers out, and fund balance.

**MOTION: Mayor Pro Tem Meredith moved to accept the report.**

**SECOND: Council Member Crisp**

**VOTE: UNANIMOUS (9-0)**

**9.0 ADMINISTRATIVE REPORTS**

**9.1 City Clerk - Monthly statement of taxes collected for October 2009from the Cumberland County Tax Administrator.**

2009 Taxes.....	\$1,719,017.02
2009 Vehicle Taxes.....	378,420.10
2009 Revit.....	3,179.64
2009 Vehicle Revit.....	410.76
2009 FVT.....	39,462.54
2009 Transit Tax.....	39,442.56
2009 Storm Water.....	56,955.67
2009 Fay Storm Water.....	113,815.50
2009 Recycle Fee.....	89,187.84
2009 Annex.....	33.69
2008 Taxes.....	14,135.75
2008 Vehicle Taxes.....	96,421.29
2008 Revit.....	0.00

2008 Vehicle Revit.....	0.00
2008 FVT.....	12,787.75
2008 Transit Tax.....	12,022.23
2008 Storm Water.....	1,205.76
2008 Recycle.....	880.38
2008 Fay Storm Water.....	1,059.92
2008 Annex.....	4.61
2007 Taxes.....	2,067.27
2007 Vehicle Taxes.....	3,180.99
2007 Revit.....	0.00
2007 Vehicle Revit.....	0.00
2007 FVT.....	734.54
2007 Storm Water.....	152.61
2007 Fay Storm Water.....	132.72
2007 Annex.....	0.00
2006 Taxes.....	897.82
2006 Vehicle Taxes.....	1,247.64
2006 Revit.....	0.00
2006 Vehicle Revit.....	0.00
2006 FVT.....	269.54
2006 Storm Water.....	44.24
2006 Annex.....	4,600.14
2005 and Prior Taxes.....	970.15
2005 and Prior Vehicle Taxes.....	2,957.87
2005 and Prior Revit.....	0.00
2005 and Prior Vehicle Revit.....	0.00
2005 and Prior FVT.....	467.24
2005 and Prior Storm Water.....	72.00
Interest.....	14,817.61
Interest (Revit).....	1.90
Interest (Storm Water).....	187.17
Interest (Fay Storm Water).....	119.48
Interest (Annex).....	405.55
Interest (Fay Recycling).....	81.84
Total Collections.....	\$2,611,869.33

## **10.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:28 p.m.